THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.4299 of 2007

Between:

Smt.M.Mangamma.

.. PETITIONER

and

The Collector (Civil Supplies),
Warangal District, and others.

..
RESPONDENTS

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ORDER:

The petitioner was appointed as a Fair Price Shop Dealer of

Madanaturthy village, Nellikuduru Mandal, Warangal District, which was reserved for woman, in the year 1992.

It is stated that the petitioner has been distributing essential commodities to the villagers in accordance with the authorization and the authorization has been renewed from time to time and it is valid upto 31-03-2008 and there are no complaints whatsoever against the petitioner.

It is stated that basing on a false and frivolous complaint filed by one Manda Ashok on 05-01-2007 before the Mandal Revenue Officer, Nellikuduru Mandal, Warangal District-3rd respondent, the Revenue Divisional Officer, Mahabubabad, Warangal District-2nd respondent without making any enquiry and without verifying the past good record of the petitioner and without any verification of the contents of the said complaint, passed an order, dated 12-02-2007, suspending authorization as well as issued show-cause notice, dated 12-02-2007, to submit explanation as to why her authorization shall not be cancelled.

It is stated that the allegations made against the petitioner is trivial in nature and in fact there was no variation of 32 kgs. of PDS rice and 74 litres of kerosene oil and the other allegations made against the petitioner are in correct.

Admittedly, the enquiry has been pending before the 2nd respondent. Further, 6-A proceedings are nothing to do with regard to the violation of relevant clause of A.P.State PDS (Control) Order, 2001.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to the merits of the case, as admittedly, the enquiry has been pending before the 2nd respondent, and as against

the order suspending authorization, an appeal lies to the Joint Collector. Therefore, it is just and proper to permit the petitioner to file an appeal questioning the said order of suspension, pending enquiry. On filing such appeal, it is for the Appellate Authority to consider and dispose of the same, in accordance with law.

Accordingly, the writ petition is disposed of permitting the petitioner to file an appeal before the Appellate Authority against the order of suspension, pending enquiry, within ten (10) days from today. If any such appeal is filed within 10 days from today, the 3rd respondent shall not make any alternative arrangements for distribution of essential commodities and the same shall be distributed through the petitioner only. On filing such appeal, the Appellate Authority shall consider and dispose of the same, after giving reasonable opportunity to all the concerned, as expeditiously as possible, within two months from today. If no such appeal is filed within ten days from today, the order of this court shall stand vacated. There shall be no order as to costs.

However, the interim arrangement made pursuant to the order of this Court will be subject to the result of the final order that may be passed by the Appellate Authority.

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05-03-2007

Note:
Issue C.C. in two days
(B/o)
Prv